UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: ALLERGAN BIOCELL TEXTURED BREAST IMPLANT PRODUCTS LIABILITY LITIGATION FRANCES ATKINSON (Plaintiff) No. 2:20-cv-01760-BRM-JAD	MDL NO. 2921 Honorable Brian R. Martinotti District Court Judge Honorable Edward S. Kiel Magistrate Judge MASTER SHORT-FORM COMPLAINT FOR PERSONAL INJURIES, DAMAGES AND DEMAND FOR JURY TRIAL

1. Plaintiff FRANCES ATKINSON hereby states and incorporates by reference all of the allegations contained in Plaintiffs' Master Long Form Complaint for Personal Injuries, Damages and Demand for Jury Trial ("Master Complaint") as permitted by Case Management Order No. 17 for cases filed directly into this District.

2. In addition to the below-indicated portions of the Master Complaint adopted by the plaintiff and incorporated by reference herein, Plaintiff hereby alleges as follows:

IDENTIFICATION OF PLAINTIFFS AND RELATED INTERESTED PARTIES

3. Name and current residence of individual who is alleged to have suffered personal injuries and related damages due to implantation of one or more Biocell Textured Breast Implant medical devices ("Biocell"):

Frances Atkinson
25452 Nettlebrooke Drive
Athens, Alabama 35613

4. Consortium Claim(s): Name and current residence of individual(s) alleging damages for loss of consortium:

N/A

5. If a survival and/or wrongful death claim is asserted:

Name and residence of Decedent when she suffered Biocell-related injuries and/or death:

N/A

Name and current residence of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.):

N/A

VENUE

6. Plaintiff alleges that venue for remand and trial is proper in the following federal judicial district:

The United States District Court for the District of New Jersey.

DEVICE IDENTIFICATION

7. Plaintiff used the following Biocell device[s], which Plaintiff contends caused her injuries. Check all that apply and provide all dates of implant and explant:

☐ **NATRELLE Silicone-filled Breast Implants** ☐ **Style 110** ☐ **Style 115** ☐ **Style 120** **Date[s] of Implant:** **Date[s] of Explant (if any):**	◙ **NATRELLE Saline-Filled Breast Implants** ☐ **Style 163** ◙ **Style 168** ☐ **Style 363** ☐ **Style 468** **Date[s] of Implant:** 12/08/2010 **Date[s] of Explant (if any):** 05/07/2021
☐ **NATRELLE 410 Highly Cohesive Anatomically Shaped Silicone-Filled Breast Implants** ☐ **Style LL** ☐ **Style LM** ☐ **Style LF** ☐ **Style LX** ☐ **Style ML** ☐ **Style MM** ☐ **Style MF** ☐ **Style MX** ☐ **Style FL**	☐ **NATRELLE INSPIRA Silicone-Filled Breast Implants** ☐ **Style TRL** ☐ **Style TRLP** ☐ **Style TRM** ☐ **Style TRF** ☐ **Style TRX** ☐ **Style TSL** ☐ **Style TSLP** ☐ **Style TSM** ☐ **Style TSF** ☐ **Style TSX**

□ **Style FM** □ **Style FF** □ **Style FX** **Date[s] of Implant:** **Date[s] of Explant (if any): N/A**	□ **Style TCL** □ **Style TCLP** □ **Style TCM** □ **Style TCF** □ **Style TCX** **Date[s] of Implant:** **Date[s] of Explant (if any):**
□ **McGhan BioDIMENSIONAL® Silicone-Filled BIOCELL® Textured Breast Implants, Style 153** **Date[s] of Implant:** **Date[s] of Explant (if any):**	□ **NATRELLE Dual-Gel Breast Implants** □ **Style LX** □ **Style MX** □ **Style FX.** **Date[s] of Implant:** **Date[s] of Explant (if any):**
□ **NATRELLE Komuro Breast Implants** □ **Style KML** □ **Style KMM** □ **Style KLL** □ **Style RLM** **Date[s] of Implant:** **Date[s] of Explant (if any):**	□ **NATRELLE Ritz Princess Breast Implants** □ **Style RML** □ **Style RMM** □ **Style RFL** □ **Style RFM** **Date[s] of Implant:** **Date[s] of Explant (if any):**
□ **NATRELLE 150 Full Height and Short Height double lumen implants.** **Date[s] of Implant:** **Date[s] of Explant (if any):**	□ **NATRELLE 133 Plus Tissue Expander** **Date[s] of Implant:** **Date[s] of Explant (if any):**
□ **NATRELLE 133 Tissue Expander with Suture Tabs** **Date[s] of Implant:** **Date[s] of Explant (if any):**	□ **OTHER (Please describe):** **Date[s] of Implant:** **Date[s] of Explant (if any):**

PLAINTIFF'S BIOCELL-RELATED INJURIES

8. Plaintiff alleges that one or more Biocell devices caused personal injuries and damages, including but not limited to the following: significantly increased risk of developing cancer, emotional distress including fear and anxiety of developing cancer, accumulation of foreign and adulterated silicone particles in their bodies, including the resulting inflammation, cellular damage, and subcellular damage, past and future medical expenses, physical pain, scarring, disfigurement, and suffering.

9. Approximate date of Biocell-device related injury:

Plaintiff is uncertain of the precise date when she started having damage or injury from the implants. Plaintiff learned of the product recall due to the increased risk of BIA-ALCL sometime on or after July 2019.

10. Has Plaintiff or Plaintiff's decedent ever been diagnosed with BIA-ALCL:

☐ Yes

☒ No

a. If Yes, date of diagnosis:

CAUSES OF ACTION

11. The following claims asserted in the *Master Complaint* are herein adopted by Plaintiff:

☒	Count I:	Strict Liability – Manufacturing Defect
☒	Count II:	Negligent Manufacturing
☒	Count III:	General Negligence
☒	Count IV:	Strict Liability Failure to Warn
☒	Count V:	Negligent Failure to Warn
☒	Count VI:	Negligent Misrepresentation
☒	Count VII:	Breach of Implied Warranty of Merchantability
☒	Count VIII:	Breach of Express Warranty
☒	Count IX:	Strict Liability Design Defect
☒	Count X:	Negligent Design
☐	Count XI:	Survivorship and Wrongful Death
☐	Count XII:	Loss of Consortium
☒	Count XIII:	Punitive Damages

☒ Other Claims and factual basis therefore:

Ala. Code § 8-19-5(27)

Unjust enrichment (in the alternative)

OTHER DEFENDANTS

12. Plaintiff(s) further bring claims against the following additional Defendants not named in the *Master Complaint*:

a. Additional Defendant(s):

Additional Defendant 1: _____

Additional Defendant 2: _____

Additional Defendant 3: _____

Additional Defendant 4: _____

b. Address(es) of Additional Defendants:

Address of Defendant 1: _____

Address of Defendant 2: _____

Address of Defendant 3: _____

Address of Defendant 4: _____

c. Short and Plain Statement of Factual Allegations against Additional Defendants:

_____
_____
_____
_____
_____

d. Claims asserted against Additional Defendants:

_____
_____
_____
_____
_____

WHEREFORE, Plaintiff prays for relief and demands a trial by jury as set forth in the Plaintiffs' Master Personal Injury Long Form Complaint in MDL 2921 in the United States District Court for the District of New Jersey.

Date: August 11, 2023

Respectfully submitted,

/s/ Bradley K. King

AHDOOT WOLFSON PC
Bradley K. King
521 Fifth Avenue, 17th Floor
New York, NY 10175
(917) 336-0171
bking@ahdootwolfson.com

AHDOOT WOLFSON PC
Tina Wolfson
521 Fifth Avenue, 17th Floor
New York, NY 10175
(917) 336-0171
twolfson@ahdootwolfson.com

BERGER MONTAGUE PC
John Albanese
1229 Tyler Street, Suite 205
Minneapolis, MN 55413
(612) 594-5997
jalbanese@bm.net

Attorneys for Plaintiff